

State of California
Business, Transportation & Housing Agency
Department of Transportation

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ENVIRONMENTAL MATTERS
Adoption of Findings for Future
Consideration of Funding and
Route Adoption
12-Ora-133 PM 4.1/8.1
Action Item

CTC Meeting: June 6-7, 2001

Agenda Item: 2.2c.(6)

Original Signed By _____

W. J. EVANS

Chief Financial Officer

June 1, 2001

ADOPTION OF FINDINGS FOR FUTURE CONSIDERATION OF FUNDING
AND ROUTE ADOPTION
ROUTE 133 IN ORANGE COUNTY

SUMMARY AND CONCLUSIONS

The attached resolution proposes to adopt the Findings for the following project for which an Environmental Impact Report (EIR) has been completed:

- Route 133 in Orange County- Widen and realign the existing 2-lane highway to 4 lanes in the Cities of Irvine and Laguna Beach.

The roadway rehabilitation and safety improvement portion of the project is programmed in the 2000 State Highway Operation and Protection Program (SHOPP) for construction starting in the 2001/02 Fiscal Year at \$20.3 million (\$16.3 capital funds and \$4.0 million support funds). The project also includes a local contribution of \$9.4 million. The current cost estimate for the project is \$38.9 million (capital and support costs). The SHOPP funds for the project will be limited to the programmed amount with Orange County funding any additional costs. A request for a schedule change to the 2002/2003 Fiscal Year was submitted on December 18, 2000 and is included in the SHOPP spreadsheet amendment 00H-093.

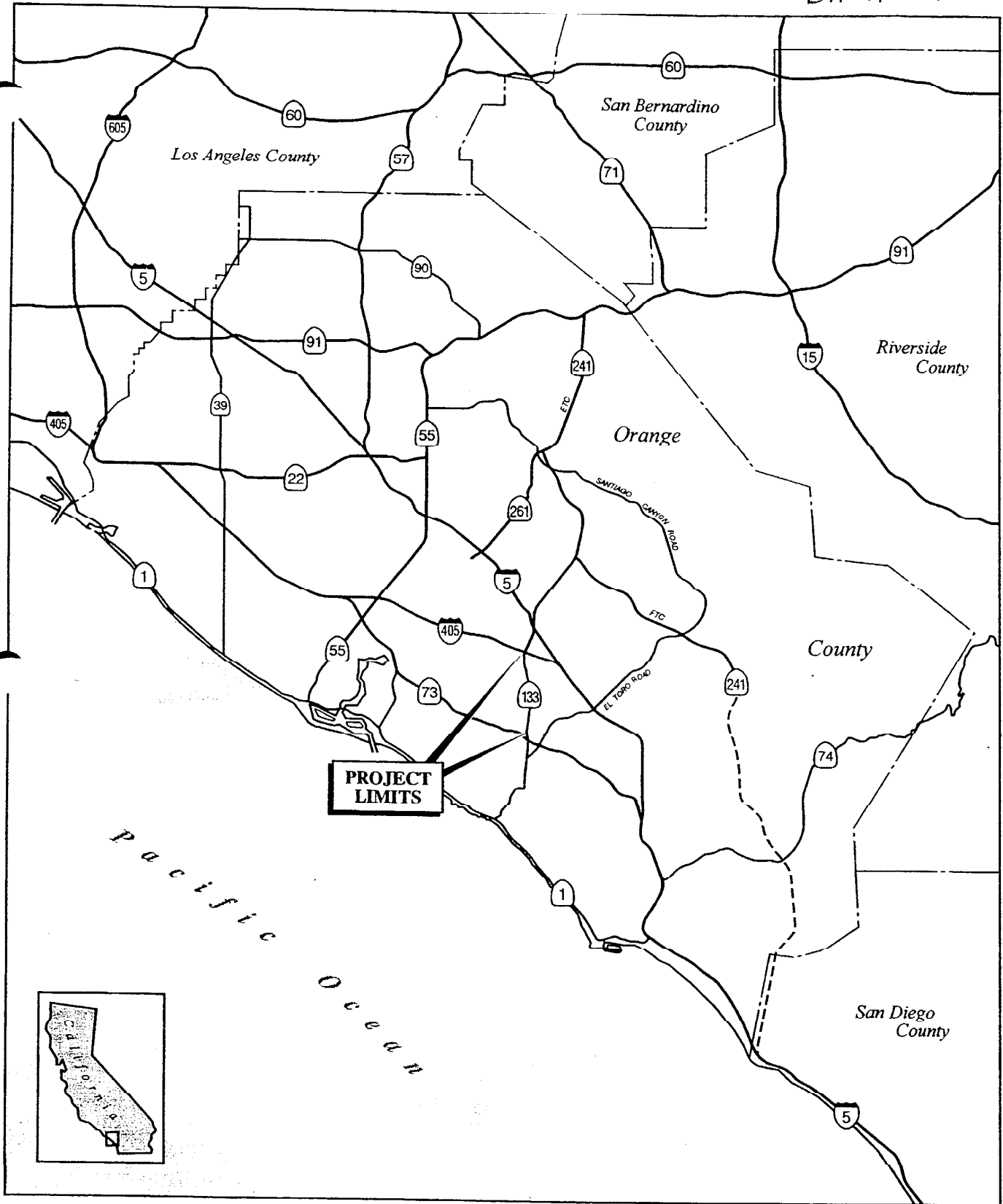
The approved EIR and subsequent addendum has been transmitted to the California Transportation Commission (Commission) staff.

The Department of Transportation (Department) has approved the project for construction. This approval and the resultant filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

RECOMMENDATION

The Department recommends that the Commission, as a responsible agency, approve the attached Resolution E-01-14.

Attachment



10/2/00(EMA631)

Figure 2.1.1



LSA

0 4.8 9.6 Scale in Kilometers
0 3 6 Scale in Miles

Regional Location

EXHIBIT A

STATEMENT OF FACTS AND FINDINGS FOR EIR NO. 556 LAGUNA CANYON ROAD IMPROVEMENT PROJECT I-405 TO EL TORO ROAD

I. INTRODUCTION

The California Environmental Quality Act (CEQA, Section 21002.1) and the State CEQA Guidelines (Section 15091 [a], [b], and [c]) provide that:

- (a) *No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
 - (1) *Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
 - (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
 - (3) *Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.*
- (b) *The findings required by subsection (a) shall be supported by substantial evidence in the record.*
- (c) *The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.*

The County of Orange Environmental Management Agency (OCEMA) has prepared an Environmental Impact Report (EIR) for the proposed improvements to Laguna Canyon Road (Route 133) between I-405 and El Toro Road, in accordance with CEQA and the requirements of the State CEQA Guidelines. As mandated by legislation in the State of California, the EIR was subject to review and approval (i.e., certification) by the County of Orange Board of Supervisors. The EIR identifies significant or potentially significant environmental impacts, prior to mitigation, that may occur as a result of the project. In accordance with the provisions of CEQA and the CEQA Guide-

lines, the Board of Supervisors hereby adopts these findings as part of its action to certify Final EIR No. 556. In adopting this Statement of Facts and Findings, the County of Orange Board of Supervisors approves the Laguna Canyon Road Improvement Project.

A Mitigation Monitoring and Reporting Program has been prepared to monitor and report the implementation of the mitigation measures identified for the Laguna Canyon Road Improvement Project. The Mitigation Monitoring and Reporting Program was developed in compliance with Assembly Bill 3180, which became effective in January, 1989.

Responsible Agencies for EIR No. 556 include the California Department of Transportation (Caltrans), the City of Irvine, the City of Laguna Beach, the California Department of Fish and Game, the California Regional Water Quality Control Board, the California Coastal Commission, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. These agencies will be responsible for additional approval authority over aspects of the project (CEQA Guidelines Section 15096). Section 2.3 of the EIR provides a matrix of discretionary actions and permits to be implemented by the Responsible Agencies.

II. DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The project area is located along existing Laguna Canyon Road between I-405 and El Toro Road. The 4.8 mile project section of Laguna Canyon Road is partially contained within several jurisdictions, including the cities of Laguna Beach and Irvine, and unincorporated Orange County. Laguna Canyon Road is also a State Highway, (Route 133) under the jurisdiction of Caltrans, from Pacific Coast Highway to I-5.

The existing roadway between El Toro Road and I-405 is basically a three lane facility, with one lane per direction and a passing lane that alternates direction. The roadway does not meet current Caltrans design standards for rate of curvature, banking of curves and size of curves and is also characterized by insufficient outside shoulder areas and no median separation of north and southbound travel lanes. Existing vehicle trip volumes require four travel lanes, rather than the three currently provided on the project segment.

The objectives of the project as identified by the County and discussed in Section 3.3 of the EIR are as follows:

- Reduce the frequency of fatal and injury accidents along Laguna Canyon Road;
- Coordinate with planning for the Laguna Coast Wilderness Park;

- Enhance the Laguna Lakes by moving the roadway out of the lakes and coordinating with current plans to enhance the Lakes;
- Enhance the wetland resources in Laguna Canyon by expanding the wetlands along Laguna Canyon Creek;
- Improve traffic flow (i.e., level of service) along Laguna Canyon Road;
- Reduce the frequency of flooding of the roadway;
- Ensure that flooding of downstream properties is not increased; and
- Preserve the rural character of the roadway.

For purposes of analyzing potential environmental impacts, the EIR evaluated three "build" alternatives, the No Project Alternative as required by CEQA, and other alternatives to the proposed improvement of Laguna Canyon Road. The build alternatives included a Preferred Alternative and two alternative designs for roadway improvements. This Statement of Facts and Findings addresses the Preferred Alternative as the project to be considered for approval by the County Board of Supervisors, per staff's recommendation. The description of the Preferred Alternative is provided below.

Preferred Alternative

The Preferred Alternative (Alternative A evaluated in the EIR) has the following characteristics:

1. Laguna Canyon Road is realigned to the west of the Laguna Lakes and widened to four lanes, with a median area separating north and southbound travel lanes. (The ultimate project would widen the roadway to six lanes between I-405 and Lake Forest Drive in the City of Irvine.)
2. Abandoned segments of the existing roadway are removed, the connection between two of the Laguna Lakes (Lake Nos. 2 and 3) is restored, and portions of Laguna Canyon Creek are restored.
3. The design of the highway is improved to meet Caltrans' safety standards for medians, shoulders, and curve design to reduce the frequency of accidents.
4. Outside shoulders of 2.4 meters (8.0 feet) are constructed and signed as a Class II Bicycle Lane. Inside shoulders of 1.5 meters (5.0 feet) are constructed.
5. Two wildlife undercrossings are provided near the Laguna Lakes and a wildlife/drainage crossing is provided near the Laguna Reservoir.

6. One or more water guzzlers for wildlife are installed west of the roadway in Little Sycamore Canyon and the valley northwest of Lake No. 1.
7. A split grade design is included in hillside locations to reduce the amount of cut and fill and improve overall roadway aesthetics.
8. Opportunities are provided for future access to Laguna Coast Wilderness Park.
9. Unpaved areas of the median and cut slopes will be landscaped with native vegetation.
10. The existing right-of-way/right-of-way reserve in Segments Two and Three is exchanged for the realigned right-of-way.
11. Portions of utility pole lines are realigned and potentially moved underground.

Typical sections of the existing roadway, the Preferred Alternative and the two other build alternatives evaluated in the EIR are shown in Figure 1.2.1 of the EIR. Please refer to Section 3.4, Project and Alternatives Description, in the EIR for a detailed description of the design components of the Preferred Alternative.

III. EFFECTS DETERMINED NOT TO BE SIGNIFICANT

In its analysis of the environmental impacts of the Preferred Alternative, Final EIR 556 determined that the project would not have any significant adverse impacts on the following areas:

Public Safety

The Preferred Alternative will have a beneficial impact on public safety by improving the safety of the roadway (refer to Section 4.2 of the EIR).

Transportation

The Preferred Alternative will have a beneficial impact on transportation by improving the level of service of the roadway (refer to Section 4.3 of the EIR).

Land Use

The Preferred Alternative will not have any significant adverse impacts to Land Use (refer to Section 4.6 of the EIR).

Noise

The project will not result in significant adverse impacts to sensitive human receptors (refer to Section 4.7 of the EIR).

Recreation

The Preferred Alternative will not have any significant adverse impacts to recreation (refer to Section 4.10 of the EIR).

IV. EFFECTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. Biological Resources

Potential Impacts

The Preferred Alternative's potential impacts on biological resources that can be mitigated or are otherwise not significant are discussed in Section 4.1 of the EIR. The potential impacts are of two types: temporary impacts from construction and permanent impacts of the Preferred Alternative.

Temporary Impacts

- Road construction and grading operations will disturb soils and can result in heavy dust accumulation on leaf surfaces. Dust accumulation can impair the function and threaten the health of vegetation not designated for removal.
- Construction roads, staging areas and other grading operations can result in removal of or damage to vegetation that would otherwise be preserved if not controlled. Construction equipment can compact the root zones of plants that may be sensitive to such compaction.
- Grading activities will expose soils to erosion, resulting in the potential accumulation of sediments and silt in the lakes and associated drainages. This could result in the reduction of aquatic and riparian habitat area available.
- Improper disposal of chemicals and debris from construction materials and equipment maintenance could be introduced into natural areas.
- Increased human activity in the area due to construction activities potentially increases the risk of fire in the preserved open spaces.

- Construction activity and associated noise and human activity can disrupt foraging, nesting and denning activities in adjacent preserved areas.

Permanent Impacts

- The Preferred Alternative alignment would result in the significant removal or displacement of approximately 1.3 hectares (3.3 acres) of wetlands and riparian habitat.
- The Preferred Alternative alignment would result in the loss of sensitive upland habitat, including coastal sage scrub and closely associated habitat types, e.g., southern cactus scrub, and "sagebrush - grassland ecotone." Approximately 1.4 hectares (3.4 acres) of upland scrub habitat would be affected; approximately 1.6 hectares (3.9 acres) of native needleland grassland would be negatively impacted. The project would also result in the removal of three small coast live oak trees.
- Grading for the Preferred Alternative would result in the placement of fill in several drainages that provide seasonal water for amphibians and other wildlife and that support native riparian plant communities, which provide habitat for wildlife.
- Forecast traffic volumes for the Preferred Alternative (and other alternatives, including the No Project Alternative) are expected to increase urban pollutants entering native habitats; however, this small incremental increase is not expected to be significant.
- The expected increase in traffic volumes from the all alternatives may result in an incremental increase in road kill frequency.
- The potential increase over forecast traffic levels with all alternatives would slightly increase the frequency and duration of light exposure from nighttime vehicle traffic; however, this effect is not considered significant.
- All alternatives would result in an increase in long-term noise levels for the local animal populations and the Preferred Alternative would move the noise source into habitat areas west of the lakes, which are not currently exposed to loud noise.
- The Preferred Alternative would result in impacts on sensitive species. Sensitive plant species significantly affected would be the southern tarplant located in low lying Alkali Meadow habitat. The potential loss of a small portion of the coastal sage scrub habitat is not considered significant. The Preferred Alternative would also impact sensitive animal species associated with coastal sage scrub. The expected habi-

tat loss would constitute a reduction of available habitat for many species (e.g., San Diego horned lizard, Coastal California gnatcatcher, coastal patch-nosed snake). Sensitive animal species associated with wetlands and riparian scrub habitats as well as sensitive animal species associated with grasslands and non-sensitive habitats would be similarly affected.

- The Preferred Alternative would result in the direct loss of various types of habitat in a narrow linear belt immediately adjacent to the existing road where it would be widened in Segments One and Four. In Segments Two and Three, a wider swath, made up primarily of grasslands and alkali meadows with small amounts of scrub and riparian habitats, would be removed. The loss of potential wildlife habitat, including both sensitive and non-sensitive habitat types, would result from the removal of vegetation during grading for the proposed roadway widening and realignment.
- The Preferred Alternative would still continue to hinder wildlife movement between open space areas on the east and west sides of the road. In addition, the Preferred Alternative would create a physical barrier to terrestrial wildlife that would restrict access from the natural areas west of Lake Nos. 1 and 2.

Findings

1. Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings

The significant effects have been substantially lessened to the extent feasible by virtue of the following mitigation measures identified in the Final EIR and incorporated into the project.

Mitigation Measures Incorporated Into Project Design

The Preferred Alternative includes the following provision to completely remove the existing paved road between the lakes and reestablish a direct connection between Lake Nos. 2 and 3. In addition, undercrossings are

included in the project as part of the relocated roadway to provide wildlife and people movement across the roadway.

- 1-1 The existing roadway and box culvert structure shall be excavated and removed to restore the historic connection between Lake Nos. 2 and 3. Precise design specifications for the excavation and recontouring of the new connection shall be developed by qualified civil/hydrological engineers and coordinated with the Lake Enhancement Plan and the project natural resources specialist. Completed plans and specifications for reestablishment of the natural lake connection will be incorporated into the REMP, subject to various agency approvals prior to the issuance of grading and other necessary permits.
- 1-2 The existing pavement and any existing drainage structures shall be removed from the lakes south, to the proposed retarding basin (No. 2) at the intersection with the realigned roadway, at the southern end of Segment Three.
- 1-3(a) As part of the final designs and specifications, the Preferred Alternative project shall include a wildlife undercrossing at Little Sycamore Canyon, with a minimum height of 3.6 meters (12 feet) by 6.1 meters (20 feet) in basal width, to provide safe opportunities for wildlife movement from the coastal sage scrub and woodland areas on the west side of the canyon to the Laguna Lakes and other open space to the east (Figure 3.4.A.5). The undercrossing below the bridge may also serve as a park access/maintenance path. The Preferred Alternative shall also provide additional below grade crossings with similar dimensions in Segment Two, near Lake Nos. 1 and 2. These undercrossings shall be open in the median strip between north and south-bound traffic lanes to provide natural lighting.

In addition, the drainage culvert that conducts Laguna Road Wash under the widened roadway south of the Laguna Reservoir shall be designed with a minimum dimension of 3.4 by 3.4 meters (11 by 11 feet).

The drainage culvert shall also be open at the median unless this would compromise road safety or compromise drainage effectiveness. Plantings of native trees and shrubs shall be installed on both sides of these three undercrossings to provide a measure of cover for wildlife. Trees and shrubs shall be planted in wide strips leading from the undercrossings toward the nearest natural woodland or riparian habitat.

Preparation of a Final Mitigation Plan

- 1-4 A comprehensive final mitigation plan, or Resource Enhancement and Management Plan (REMP), incorporating the following concepts and

specific implementing measures shall be prepared as part of the plans and specifications for the proposed project. The REMP shall demonstrate compliance with the mitigation measures listed below at the final engineering level. As a condition of project approval, the plans/actions to implement these measures shall be developed and refined in the REMP for further consideration by the County EMA, CDFG, and the Corps. Final plans, including input from the resource agencies, shall be submitted during the permit application and processing phases for the proposed project. The final REMP shall be approved by the Orange County Planning Commission with input from the Citizens Advisory Committee, City of Irvine, City of Laguna Beach, Coastal Greenbelt Authority, CDFG and the Corps of Engineers.

Mitigation for Construction Impacts

The following measures are required as mitigation for construction impacts.

- 1-5 Prior to the issuance of grading permits, a qualified biologist(s) and/or other natural resources specialist(s) (e.g., arborist) shall be retained by the County of Orange, EMA, as a construction monitor or monitoring team. The monitor(s) shall be responsible for ensuring that incidental construction impacts on biological resources are avoided, or limited to the minimum required for construction.

The monitor shall be approved by the Manager, EMA/Environmental Planning Division, prior to the approval of plans and specifications for the construction of any portion of the Laguna Canyon Road project. The monitor shall be on site during all phases of project implementation (i.e., soil testing, grubbing, clearing, grading, archaeology/paleontology surveys, etc.), or as determined to be appropriate by the monitor.

The County monitor shall be present at all pre-grading and pre-construction meetings, and shall have the authority to temporarily direct, divert or halt grading and/or construction activities to allow sufficient time to assess resource issues and determine appropriate actions/remedies or review and approve recommended actions/remedies.

- 1-6 Prior to commencement of grading, the construction monitor(s) shall:
- Delineate all sensitive resources designated for preservation (e.g., riparian and coastal sage scrub habitats, oak trees) on a topographic base map that depicts the final project construction plans;
 - Flag/fence or otherwise identify these resources in the field, as appropriate;

- Provide the contractor with a copy of the sensitive resources map; and
 - Meet with the contractor in the field and indicate the locations of the identified sensitive resources, emphasizing the importance of avoiding these areas.
- 1-7 The construction monitor(s) shall be present at any pre-grade conference, and shall regularly inspect mass grading and infrastructure construction operations to ensure contractor compliance with all relevant requirements with respect to avoidance and mitigation of construction impacts on biological resources.
- 1-8 Prior to mass grading or infrastructure construction operations adjacent to areas where natural vegetation is to be preserved, these areas shall be temporarily fenced off or otherwise sufficiently protected to prevent grading, storage of heavy equipment/building materials, and unintentional intrusion into preserved areas.
- 1-9 Construction personnel shall be prohibited from entering designated preservation areas except for necessary construction related activities, such as surveying.
- 1-10 Storage, staging and access routes in or adjacent to natural open space areas shall be selected in consultation with the construction monitor prior to grading in these areas.
- 1-11 Erosion/runoff shall be controlled per County and Caltrans requirements, and shall include provisions to prevent alteration, sedimentation or other deposition of material in preserved drainage courses and the lakes. (A more detailed discussion of the proposed project's potentially significant effects on water quality and proposed mitigation measures is presented in Section 4.5, Water Resources.)
- 1-12 The site shall be watered during grading and before landscaping on a regular basis to reduce fugitive dust generation. The construction monitor shall request watering of graded areas and/or vegetation at any time the monitor observes potentially harmful accumulations of dust on preserved native vegetation. Furthermore, Caltrans specifications require the control of nuisance dust from the construction by applying water or a dust palliative (binder), or both, for the alleviation or prevention of dust nuisance resulting from the contractor's performance of the work. The South Coast Air Quality Management District (SCAQMD) also requires control of dust through Rule 403.
- 1-13 Hazardous and flammable materials (including engine fluids) on the project site shall be stored and handled according to applicable local, State and federal laws.

- 1-14 Prior to and concurrent with project construction, the construction monitor(s) will determine the need for, and the frequency of, monitoring the affected area based on the various stages of construction (e.g., more frequently during clearing and initial grading). Monitoring activities will include:
- Observing that construction crews follow instructions regarding preventing harm or harassment of wildlife,
 - Observing and documenting that existing regulations and applicable 404/1601 permit conditions are followed,
 - Observing and documenting that final REMP guidelines and specifications are adhered to,
 - Attempting to prevent violations of existing laws (e.g., Migratory Bird Treaty Act, Clean Water Act, Fish and Game Code), and permit conditions. For example, if nesting birds that are protected under the Migratory Bird Treaty Act are found in a construction area, or if equipment or debris is observed in protected areas, the monitor(s) shall notify the foreman and stop work in the affected area. Any violations must be reported to the overseeing agency or agencies immediately.
- 1-15 The monitor(s) shall have the authority to temporarily direct, divert or halt grading and construction activities. The monitor shall prescribe remedies if non-permitted activities occur, and coordinate the installation of protection devices/facilities. The monitor shall also have the authority to relocate/transport resources or modify construction activities to protect the resources in place. The monitor shall be responsible for ensuring compliance of project construction activities with the final REMP. Problems arising at the construction site must be reported to the foreman on site. Resolution of conflicts will be the responsibility of the Director, County of Orange, EMA, or his designee, in consultation with Caltrans, and the resource agencies.

Implementation of these measures will mitigate the project's potentially significant construction impacts to below a level of significance.

Permanent Impacts

The following measures are required specifically to offset the impacts expected to result from the proposed project:

Wetland/Riparian Impact. A wetland delineation, utilizing the current federal method at the time of wetland permitting, will be performed to precisely

determine the wetland impact area. This result will be used as a basis for the 3:1 minimum replacement ratio described below.

- 1-17(a) A minimum of 4.05 hectares (10.0 acres) of new riparian/wetland habitat shall be created to offset expected impacts on existing habitats at a minimum 3:1 ratio. As part of the REMP for the project, a comprehensive riparian/wetland mitigation plan describing this restoration effort in detail shall be developed in coordination with the County of Orange, Harbors, Beaches and Parks Design Division with input requested from the resource agencies. The plan will be submitted to the County of Orange, USFWS and CDFG for review and comment prior to finalization.

Final habitat restoration and enhancement specifications, detailed in the REMP, will include, but are not limited to, the following elements and considerations, depending on the alternative alignment design selected:

- 1-18 The mitigation plan shall indicate any earthwork that will be completed, typical cross sections, and structures that will be installed prior to planting the mitigation sites. Final construction plans for riparian/wetland mitigation sites involving earthwork, hydrological modifications, grading, streambed modifications, etc., shall be reviewed and approved by appropriately qualified engineers prior to submittal for agency approval.
- 1-19(a) Hydrological modifications to create conditions suitable for the establishment of functional riparian/wetland habitat shall be designed and constructed in place of, and adjacent to, the existing road area to be removed in Segment Three. This measure will involve the excavation and decompaction of the roadway substrate after the pavement is removed. (A small segment of the existing graded roadbed will remain in place, just south of Lake Nos. 2 and 3, to maintain the southern boundary of these water bodies and to stabilize the lakes basin boundary.) Specific plans are constrained by the Laguna Beach County Water District potable water transmission main (the Aufdenkamp line), which runs parallel to the west side of the existing road and must be avoided. A dirt access trail shall be retained adjacent to this water line.
- 1-20(a) The excavation of a naturally contoured, soft bottom streambed, in place of, and possibly meandering adjacent to, the existing roadbed is the preferred option for providing and maintaining a suitable hydrologic regime in habitat restoration areas south of the lakes. The design of such a channel and/or other such modifications shall be approved by a qualified hydrologist and/or civil engineer in consultation with a natural resource specialist. Additional modifications may include

small diversion and retention structures, berms, weirs, and channel protection measures (e.g., rip-rap or Armorflex).

- 1-21 Shallow piezometers (groundwater measuring wells) shall be installed where such devices are not already available, at strategic locations in areas planned for habitat creation in Segment Three and around the lakes. Precise locations and design for piezometer installation shall be selected in consultation with a hydrologist. Monitoring of groundwater shall be conducted before and after initial plantings are installed. Data obtained from monitoring seasonal changes in groundwater depth shall be used to guide the design and placement of additional riparian habitat creation areas that may be planned for future projects.
- 1-22 The REMP shall provide specifications for the replacement of the roadside drainage channel in Segment Four with a new earthen-bottom channel west of the proposed road alignment in that Segment. (This measure is not required for Alternative B because it would not impact the drainage in Segment Four.) These plan specifications shall include consideration of hydrological modifications (e.g., culverts, drop structures) that will be required as part of the SJHTC interchange construction, and downstream retention features.
- 1-23 Appropriate riparian/wetland species proposed for planting shall be native to the project vicinity. Plant palettes shall be provided in the REMP for wetland/riparian revegetation areas. (See Measure 1-30 for additional required elements pertaining to habitat establishment.)

Upland Habitat Mitigation Measures

Coastal sage scrub vegetation that is removed by grading associated with the project is to be replaced at a ratio of two to one. A portion of the improved roadway's cut slopes would be revegetated with coastal sage scrub species and a minimum additional area of 1.62 hectares (4 acres) of annual grassland and ruderal areas will be converted to coastal sage scrub vegetation.

- 1-24(a) A minimum of 2.75 hectares (6.8 acres) of representative coastal sage scrub vegetation shall be established in the study area to offset expected impacts on 1.38 hectares (3.4 acres) of existing coastal sage scrub habitats at a 2:1 ratio. As part of the REMP for the project, a comprehensive upland habitat mitigation plan shall be developed in coordination with County of Orange, Harbors, Beaches and Parks Design Division with input requested from the resource agencies. This plan shall

be submitted to the County of Orange, USFWS and CDFG for review and comment prior to final completion.

If the project proceeds under the interim take guidelines of the NCCP, the following procedures shall apply:

Prior to the removal of coastal sage scrub habitat resources including clearing, grubbing, mowing, discing, trenching, grading, fuel modification, or other related construction related activities, the Director of Planning, County of Orange, EMA, or his designee shall prepare and submit an Interim Habitat Loss Mitigation Plan to the USFWS for review and approval in compliance with the Natural Communities Conservation Planning (NCCP) interim coastal sage scrub (SS) Habitat Loss process and Federal Endangered Species Act (ESA) 4(d) Special Rule for Incidental Take of the California gnatcatcher.

- 1-25 Seeding and/or planting with appropriate native grassland species shall be conducted on graded slopes adjacent to the selected alignment alternative with a native grass dominated habitat. Revegetation of areas with native grassland elements shall occur at a 2:1 ratio to the areas impacted by the selected alignment. The plant palette for this measure shall specify native perennial grass species as the dominant elements, but may include additional native herbs, succulents, and occasional shrubs, such as coastal goldenbush, as appropriate. (Further direction regarding this habitat restoration requirement is provided by Mitigation measure 1-30.)

Coast Live Oak Relocation or Replacement. Two options are available to mitigate the project's potential impact to coast live oak trees that lie within the project grading limits. The final upland mitigation plan for coastal sage scrub and native grassland shall also include provisions for the implementation of these options. The three trees, identified as potentially impacted by the Preferred Alternative, are in reasonably good condition and small enough that they may be moved without serious damage. It is suggested that the tree near the El Toro intersection (No. 21 on the tree inventory) simply be moved further back into the vacant field, behind the tree's present location. The two trees potentially impacted on the east side of Segment Four near the planned SJHTC intersection (Nos. 36 and 37) could also be relocated to the same site and replanted. There is sufficient space in the small field, and the soils and substrate are likely to be suitable. Furthermore, the trees would still provide a natural visual accent at the proposed intersection.

- 1-26 The preferred mitigation option will be to relocate the trees at the direction of the mitigation monitor or a certified arborist.

- 1-27 The final upland habitat mitigation plan shall specify the new location(s) and the procedures to be followed for relocating oak trees.
- 1-28 Monitoring of successful relocation (i.e., survival of the transplanted tree(s)) will be required at periodic intervals. The trees shall be inspected, and conditions documented, as an adjunct to the upland habitat restoration monitoring program.
- 1-29 If the relocation option is infeasible, or is not successfully implemented (as determined during the monitoring period), the second option will be to provide replacement oak trees in suitable locations in the study area. The number and size of replacement coast live oaks (*Quercus agrifolia*) shall be specified in the REMP. At a minimum, the REMP shall require that three coast live oaks be successfully established at the end of the five year monitoring program for each living oak tree not successfully relocated. Coast live oaks cultivated to mitigate project impacts on individual specimens shall originate from propagules (e.g., acorns) collected from healthy coast live oak specimens within one mile, or less, of the area subject to project grading impacts.

Elements Required for Successful Habitat Establishment.

- 1-30 The following elements and considerations will be included in the preparation of the final habitat mitigation plans. These measures form the basis of the natural resource protection guidelines that shall be finalized in the REMP. At a minimum, the final REMP shall incorporate these elements and considerations, subject to additional input from USFWS and CDFG:

Wetland Delineation

- A wetland delineation, utilizing the current federal method at the time of wetland permitting, will be performed to precisely determine the wetland impact area. This result will be used as a basis for the 3:1 minimum replacement ratio described below.

Site Selection

- Restoration strategies and site selection shall be coordinated with the County of Orange, Harbors, Beaches and Parks Design Division and approved by the Director of Harbors, Beaches, and Parks.

- The potential areas identified above for habitat creation and establishment, as shown of Figure 4.1.4a-d, shall receive first priority for consideration during the site selection process. Excluding road cuts, sites for coastal sage scrub and potential oak tree establishment shall be selected based on slope, aspect, soil conditions, the absence of any well developed sensitive plant community, and the proximity of sites to other similar habitat in the vicinity. Sites for riparian/wetland habitat establishment shall be selected based on elevation and availability of groundwater. Sites containing sensitive habitat will not be used. Sites adjacent to existing habitat shall be preferred.
- A soil analysis shall be completed to determine the fertility and agricultural suitability of the surface soils in the sites identified for potential conversion to coastal sage scrub and riparian/wetland habitat. The soil sampling shall include at least one test unit from each surface soil type encountered in the potential sites and should be a composite of at least six samples from the top six to eight inches of the soil. The soil samples shall be analyzed by a qualified agronomist, who will submit a written report of his recommendations based on the completed soil testing to the party responsible for preparing the final mitigation plan.

Plant Materials

- The final plant palettes for the riparian/wetland habitat revegetation sites shall be selected to replicate the existing plant community within the impact area as closely as possible while excluding all non-native elements, such as pampas grass and giant reed. Trees, shrubs, and herbaceous plant species shall be selected based on representative sampling conducted in existing habitat in the study area, south of the lakes. Therefore, at a minimum, four plots, each containing 200 feet of transect, shall be examined in the existing community adjacent to, or within a reasonable distance from, proposed mitigation sites. The resulting data on relative cover of the species present shall be used to identify species diversity and approximate the relative densities of the various native species as they occur in the vicinity of the restoration sites.
- The final plant palettes for the coastal sage scrub revegetation shall be selected to replicate the existing coastal sage scrub plant community within the impact area as closely as possible while excluding all non-native elements, such as annual grasses. Therefore, at a minimum, four plots, each containing 200 feet of transect, shall be examined in the existing community

adjacent to, or within a reasonable distance from, proposed mitigation sites. Transects shall be laid out on slopes with aspects closely similar to proposed mitigation sites. The resulting data on relative cover of the species present shall be used to identify species diversity and approximate the relative densities of the various native species as they occur in the vicinity of the restoration sites.

- The plan shall provide plant palettes and specifications for container plant spacing and seeding that are prudently proportioned based on the reference plant densities. The transect data obtained on existing habitat areas shall be presented in the revegetation plan submitted to the agencies for review, along with the rationale for selecting container plants and seeds specified for use in the habitat to be created.
- Despite the high proportion of non-native annual grasses and ruderal species found in "native" needlegrass grassland habitat in the study area, the plant palette for the native grassland revegetation element shall exclude non-native species.
- The REMP shall specify that all plant materials for habitat replacement shall be obtained from south central Orange County, as close to the area adjacent to Laguna Canyon Road as possible. This requirement entails advance planning for the collection of both seed and plant cuttings.
- The upland mitigation plan in the REMP shall specify the source, number, and type of oak trees propagules (e.g., acorns, one gal. containers, etc.) to be planted if any are required.
- The plan shall specify the types of desired site preparation, including topsoil stockpiling and relocation (if desired), pre-planting weed control methods, and measures to protect the site from herbivores and vandals.

Site Installation

- The plan shall specify the seasonal timing of planting and seeding, soil amendments, planting techniques, hydroseeding techniques, and irrigation requirements.
- The plan shall identify the party responsible for monitoring and documenting the installation and initial maintenance activities.

- In the course of preparing the REMP, alternative means will be investigated whereby graded fill slopes will be stabilized such that they meet safety requirements and will allow for root penetration. If no methods are deemed feasible and satisfactory to modify compacted fill slopes to promote the establishment of deep rooted coastal scrub species, the performance standards for fill slopes should be revised to allow the dominant vegetative cover to consist primarily of native perennial grasses.

Site Maintenance

- The plan shall specify the party responsible for site maintenance, as well as the duties of the site monitor. Maintenance activities shall be prescribed including, but not limited to, weed control options and remedial measures such as replacing failed shrub and tree plantings and providing supplemental fertilization and supplemental irrigation if needed.
- The plan shall include specifications for regular monitoring of site performance, items to be specifically measured as performance indicators (e.g., survival rates of desired plants, diminishing invasion by weeds, presence of wildlife), and standards for periodic documentation of performance assessments. Monitoring shall be conducted over a minimum period of five years following completion of initial planting/seeding.

Performance Standards

- The plan shall specify the goals of vegetation development that must be achieved in order for the mitigation site(s) to be considered successful.
- The plan shall specify that corrective actions will be undertaken at the appropriate time upon the identification of problems (e.g., weeding, irrigation, plant replacement at the first suitable growing season, etc.).
- The plan shall specify the documentation required for monitoring implementation and maintenance activities, and the criteria to be used to determine success.

Financing

- The program shall identify a feasible financing mechanism and the parties responsible to ensure mitigation implementation and effectiveness.

Long-Term Maintenance

- Prior to the commencement of project construction, a maintenance agreement shall be established between the County of Orange, EMA, and Caltrans that states the responsibility for and maintenance procedures to be followed to manage any sensitive native vegetation planted or seeded within project right-of-way.

Mitigation for Potential Impacts to Sensitive Plant Species

As stated previously, southern tarplant and many-stemmed dudleya occur in the study area outside areas to be graded (Figure 4.1.2 a-d). Although not located within the areas to be graded, the possibility remains that additional populations of these sensitive species could occur in other locations subject to project impacts. Additional mitigation would be required if new populations are encountered during spring surveys in areas subject to project impacts during construction. The following measures discuss the actions that will be required:

- 1-31 A qualified biologist shall conduct surveys during the months of April and/or May, prior to commencement of project grading, to detect targeted sensitive plants associated with existing habitat areas within proposed limits of grading and potential construction staging areas and access/haul routes. The results of these surveys shall be documented in a report that shall be submitted to the County of Orange. The spring surveys shall focus on, but not be limited to, the following species:
 - Southern tarplant
 - Many-stemmed dudleya
 - Pala spineflower.

In the event that these species are not present, or if they will not be significantly impacted by the proposed grading for the Preferred Alternative, no mitigation will be required.

Pala spineflower was reported in a previous study as occurring on a north-facing slope in Segment Three (Figure 4.1.2 c), and individuals may be impacted by grading for the proposed alignment. Although this species is not

protected, and currently has no legal status, CNPS has designated Pala spineflower as a plant that should be monitored.

- 1-32 If Pala spineflower is located within grading limits during spring surveys, the number of individuals subject to grading, and plants preserved in the immediate vicinity, shall be carefully estimated and documented. This information shall be presented to the State Resources Agency and CNPS.

For any other sensitive plant populations found within areas subject to project impacts, a detailed seeding/planting and transplantation program shall be designed and implemented. Transplantation of southern tarplant would not be suitable because this species is an annual. For this species, reseeding would be the preferred option. Measures specified for the many-stemmed dudleya may include both seeding and transplantation.

- 1-33 The following elements and considerations will be included in the preparation of the mitigation program for sensitive plant species incorporated as part of the detailed plans and specifications developed for the REMP. The general goal of such plans shall be to relocate/reestablish as much of the existing population as is feasible. The objective of the final shall be to establish a population with characteristics similar to the impacted population.

- Site selection shall be coordinated with park planning efforts of the Harbors, Beaches, and Parks Design Division. Site(s) shall be selected by a qualified biologist/revegetation specialist in consultation with County of Orange, Harbors, Beaches and Parks Design Division and approved by the Director of Harbors, Beaches, and Parks.
- The program shall specify the means by which plants or seeds shall be salvaged, preserved, and prepared for transplantation (e.g., seeding and/or supervised germination and outplanting).
- The program shall specify the types of desired site preparation, weed control methods, and measures to protect the site from herbivores and vandals.
- The program shall specify planting and seeding techniques to be employed and how these methods will be supervised.
- The program shall specify the scope of site maintenance activities and the duties of the site monitor.
- The program shall specify the documentation required for monitoring implementation and maintenance activities, and the criteria to be used to determine success.

- The plan shall require monitoring of site performance at appropriate intervals for a minimum five year period following completion of initial planting/seeding activity.
- The program shall identify a feasible financing mechanism and the parties responsible to ensure mitigation implementation and effectiveness.

Mitigation for Potential Impacts to Sensitive Animal Species

Mitigation is provided by the measures listed above related to construction monitoring and habitat replacement.

Mitigation for Wildlife Movement Impacts

These measures are intended to facilitate wildlife movement between the open space areas west and east of the realigned roadway. The installation of guzzlers will ensure that water sources are provided on both sides of the roadway.

- 1-34 The plans and specifications for the selected project shall specify installation of fencing, consisting of four-strand barbed wire, or equivalent, where the selected alignment differs from the existing road in Segments One, Two, and Three to inhibit wildlife from crossing at-grade and to funnel wildlife toward wildlife undercrossings and any drainage culverts larger than 0.6 meters (24 inches) that would incidentally provide secondary crossing opportunities. The location of such fencing shall be coordinated with the County of Orange, Harbors, Beaches and Parks Design Division.
- 1-35 Fencing or other equivalent barriers shall be provided between bridge spans to enclose the portion of the median between all open undercrossings. Fencing shall be designed and constructed so as to minimize opportunities for small animals to bypass the barrier and enter the median. Design should include partial burial to deter animals from easily getting under the barrier. Fencing shall either be screened with landscaping or be constructed at such an angle or height below grade so as not to be readily observable to motorists and park users who may utilize the undercrossings. Median fences shall be regularly maintained and repaired by Caltrans.
- 1-36 Prior to issuance of grading permits, the County of Orange, Harbors, Beaches, and Parks Design Division, shall design and install one or more functioning wildlife guzzler(s), or other permanent water source(s) for wildlife, in Little Sycamore Canyon, at least 120 meters (400 feet) west of the Preferred Alternative alignment and in the valley located to the northwest of Lake No. 1. A wildlife biologist shall

design the guzzlers to serve large and small animals; at minimum, the design shall include the following features:

- An escape mechanism to prevent smaller animals from becoming entrapped in the water basin.
- A flow valve, similar to those used in livestock water troughs, to maintain a constant water level.

Following the guzzler's installation, monthly monitoring, regular cleaning and periodic mechanical maintenance shall be required to ensure the unit's cleanliness and proper function in perpetuity. The source of potable water, specifications for piping and fixtures, and the entity responsible for maintenance shall be identified in the final REMP for this project. It is possible that such a water source can be provided in coordination with the development and construction of Laguna Coast Wilderness Park facilities. Maintenance would then logically become the responsibility of park maintenance staff.

- 1-37 Fencing shall be omitted in Segment Four to the maximum extent allowable by pertinent Caltrans and County of Orange guidelines regarding right-of-way fencing. Instead, to minimize road kill frequency, Squareflex Wildlife Reflectors (or functional equivalent) shall be installed along Segment Four as indicated by the manufacturer.

Mitigation for Noise Impacts

Because there are no existing noise sensitive human receptors that would be affected by the project, mitigation measures are not required under CEQA. The provision of berms as described below is included as a project betterment, and not required as a mitigation.

- 1-38 Earthen berms shall be constructed and maintained to attenuate noise impacts (primarily tire noise) on sensitive riparian habitat. Berms shall be a minimum of two feet in height above the pavement edge (see Figure 4.1-5), and shall be located along the route as follows:
- Segment One: On the east side of the road where the pavement is less than 400 feet horizontally, and less than 40 feet vertically, from Laguna Reservoir (Figure 3.4.A.3).
 - Segments Two and Three: On the east side of the road where the pavement is less than 400 feet horizontally, and less than 40 feet, vertically from Lake No. 2 and where the pavement would pass within 400 feet of riparian/wetland mitigation sites (Figure 3.4.A.3).

- In other locations in Segments Two and Three adjacent to open space areas, where feasible.

The precise location of these berms will be determined in consultation with the County of Orange, Harbors, Beaches and Parks, Design Division and approved by the Director of Harbors, Beaches and Parks.

- All bridge rails will be solid design to limit tire noise from any bridges above the wildlife crossing in order to minimize noise impacts on wildlife.

The project will contribute to cumulatively significant impacts on grassland habitat and wildlife populations in the region (please refer to Exhibit C, Statement of Overriding Considerations).

B. Aesthetic Resources

Potential Impacts

The Preferred Alternative's potential impacts on aesthetic resources are discussed in Section 4.4 of the EIR. Construction of the Preferred Alternative would create aesthetic impacts resulting in an increase in visible pavement, slope modification and realignment of existing views within Segments Two and Three. The Preferred Alternative would result in one significant cut slope and an increase in the amount of pavement in the canyon. Significant visual impacts would remain after mitigation.

Findings

Finding 1: Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measures identified in the Final EIR and incorporated into the project. Note that the Geology/Soils Section (Section 4.8 of the EIR; Section D of these findings) contains several mitigation measures to reduce the visual impacts of the cut slopes. The measures include requirements for contour grading, relandscaping, rounding of slopes in proportion to height, graduation in the angle of slopes and undulation of slopes. The inclusion of landscaped medians, landscaping with native plants, and the relocation (and potential undergrounding) of the power poles will result in an aesthetic benefit to the project area. The measures that follow will also serve to reduce the aesthetic impact of the project.

- 4-1 A Landscape Plan shall be developed during final design that incorporates the use of native vegetation along graded areas, cut slopes and medians. The composition and location of landscape features within the Plan shall be coordinated with the biological resources mitigation plan. The Landscape Plan shall be reviewed and approved by the Orange County Planning Commission with input from the Citizens Advisory Committee, City of Irvine, City of Laguna Beach, Coastal Greenbelt Authority and Caltrans. Impacts to existing landscape trees in Segment One shall be mitigated by replanting of trees at a three to one ratio with species and sizes to be consistent with the Landscape Plan.

The Landscape Plan shall include visual screening of the roadway from the shoreline of Lake Nos. 1 and 2. The Landscape Plan shall also assess the feasibility of providing screening of Leisure World views from the roadway location.

- 4-2 A Scenic Corridor Plan shall be prepared during final design to demonstrate the design and landscaping features of the project that enhance the aesthetic resources within Laguna Canyon. This Plan shall be consistent with the requirements of the Scenic Highways Component of the Circulation Element of the General Plan. The Scenic Corridor Plan shall be approved by the Orange County Planning Commission with input from the Citizens Advisory Committee, City of Irvine, City of Laguna Beach, Coastal Greenbelt Authority and Caltrans.

The EIR concludes that, even after application of these mitigation measures, impacts to aesthetic resources will remain significant. Please refer to the Statement of Overriding Considerations.

C. Water Resources

Potential Impacts

The Preferred Alternative's potential impacts on water resources that can be mitigated or are otherwise not significant are discussed in Section 4.5 of the EIR. Implementation of the retarding basins and swales identified in the final Runoff Management Plan and project Best Management Practices (BMP) will reduce the potential long-term impacts of the proposed project on stormwater runoff/flooding, as well as surface water quality. The project flood control facilities will intercept the highway storm runoff prior to its flowing into local drainages and/or to the adjacent Laguna Lakes. Therefore, significant flooding impacts on downstream drainages will not be exacerbated by the proposed project, nor will the quality of surface water be degraded to a significant degree as a result of implementing the Preferred Alternative. Rejoining the Lakes, diverting Little Sycamore Creek into the

Lakes, and increasing the amount of wetlands will slightly reduce stormflows.

The amount of impervious surface area added by the Preferred Alternative would not significantly reduce the potential for groundwater recharge.

Findings

Finding 1: Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Finding 2: Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the Final EIR and incorporated into the project:

5-1 Prior to approval of the PS&E, an Erosion Control Plan will be prepared to identify specific measures for control of siltation, sedimentation and other soil materials, per Caltrans and OCEMA highway design standards. The Plan will be implemented during the project construction period, and will include measures such as the following:

- During the rainy season, sandbags will be placed where necessary (particularly at sediment sources) to reduce the potential for downstream runoff.
- A stand-by crew will be made available for emergency work during periods of rain. Necessary materials will be available on site, and will be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.
- Removable protective erosion control devices will be put in place at the end of each working day when the five day rain probability forecast exceeds 40 percent.

5-2 A groundwater analysis shall be prepared and approved by Caltrans for review prior to construction. The analysis shall include criteria to assure control of shallow or perched groundwater conditions (see Section 4.8, Geology/Soils).

- 5-3 Prior to commencement of construction, landscape and erosion plans will be reviewed and approved by the County EMA and Caltrans. Temporary mulching, seeding, landscaping, permanent erosion control or other suitable stabilization measures will be included as part of the project in order to protect exposed areas during and after construction and will be noted on project plans.
- 5-4 Where appropriate, water conservation measures for the maintenance of roadside vegetation will be implemented. Appropriate conservation measures include, but are not limited to, planting of drought tolerant vegetation and the use of irrigation systems that minimize runoff and evaporation losses. The use of reclaimed water will be required unless it is demonstrated that such use would damage adjacent natural habitats.
- 5-5 A final Runoff Management Plan (RMP) will be prepared based on final project design plans and the Conceptual RMP. The following components of the RMP will be implemented:

Roadside swales will run adjacent to the new road alignment, collect runoff from the road, and convey it to the two small roadside retarding basins. The swales will be placed immediately beyond the shoulder and lined with native grasses. Swales will be located on both northbound and southbound shoulders and in the median. Swales will be sized to carry the ten year peak flow rate from the roadway. Flows exceeding the ten year peak flow will be periodically drained from the swales using catch basins or other facilities and discharged into off-site drainage courses. Storm drains will be used to supplement the swales if their capacity is inadequate.

The swales will not require operation. Maintenance will be required by Caltrans, and will consist of routine inspection and debris removal.

Two roadside retarding basins will be installed to collect the roadside runoff only. These basins will be approximately 0.8 to 1.2 hectares (2.0 to 3.0 acres) each, located on the east side of the roadway. They will be sized to accommodate the ten year runoff volume from the roadway surface area. One side of the basins will have an overpour area for flows exceeding the basin capacities. Inflow to the basins will be limited, as the basins will be isolated from the large off-site flows. The overpour areas will be armored against erosion with rock, turf block or other natural materials. The basins will be of irregular shape and gently contoured to give them a more natural appearance. Native vegetation will be used to protect the slopes of the basins against erosion.

The basins will be maintained by Caltrans. No operation will be required. Maintenance will consist of routine inspection and debris removal. Periodic removal of sediment from the basins may be neces-

sary, as well as incidental vegetative growth to ensure proper functioning of the basins per their designs.

Alternative RMP techniques may be identified during final design that are coordinated with other projects in the area. Such means could include expansion of other planned retention basins, in lieu of the two basins proposed above. Alternative RMP techniques shall be acceptable so long as they function in a manner equivalent to the proposed technique.

The Final RMP for the project shall include a Water Quality Plan (WQP) to assess downstream water quality and impacts of the project as follows:

- A. Assess the existing water quality in a representative sample of downstream improved and unimproved drainages for the purposes of establishing a baseline standard. Water quality standards established by OCEMA and the RWQCB shall be used as a reference standard.
- B. Develop a landscape palette suitable for use in drainage swales and detention basins that promotes the use of plant material able to break down roadway pollutants. Swale design to accommodate flow reduction affect of chosen plant materials.
- C. Establish a regular testing methodology and schedule by Caltrans to monitor the level of heavy metals and other pollutants within the drainage/settlement basins and representative downstream drainages.
- D. Report findings of testing to Caltrans and OCEMA Environmental Resources regularly.
- E. Recommend measures to Caltrans to reduce pollutant levels that exceed the established acceptable threshold levels. Submit measures to the RWQCB and OCEMA for review prior to WQP approval and construction. These measures will assure that impacts related to Laguna Canyon Road do not cause downstream RWQCB and County of Orange standards to be exceeded. The plan will specify a process for application of these mitigation measures.
- F. Establish maintenance procedures to ensure adequate function and prevention of accidental breakdown of retarding basins, grease traps, drainage channels and other runoff facilities.
- G. During final design, give consideration to the use of a Compost Storm Water Filter System as an additional means of filtering highway runoff.

5-6 Require that the project obtain a National Pollutant Discharge Elimination System (NPDES) permit, and comply with the mitigation requirements set forth therein. The following requirements shall be met for construction work:

- File a Notice of Intent (NOI) with the SWRCB including the required fee;
- Eliminate or reduce non-stormwater discharges;
- Prepare a Storm Water Pollution Prevention Plan (SWPPP);
- Prepare and implement a monitoring program; and
- Retain all records associated with the permit for three years.

D. Geology/Soils

Potential Impacts

The Preferred Alternative's potential geology/soils impacts that can be mitigated or are otherwise not significant are discussed in Section 4.8 of the EIR. The grading operations for the project would result in one significant cut on the east side of the proposed alignment. There would be a potential for landslides in unstable cut areas while unsupported, prior to backfilling. Field inspections by a project geologist would be required during construction for evaluation of cut slopes for stabilization.

Findings

Finding 1: Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Findings

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measures identified in the Final EIR and incorporated into the project.

- 8-1 All site grading will be conducted in accordance with the applicable Caltrans and County of Orange requirements.
- 8-2 Temporary cut slopes will be backfilled with compacted fill as quickly as possible.

- 8-3 Grading shall be limited to the non-rainy periods, as required by OCEMA procedures or regulations.
- 8-4 Any excess earth material resulting from grading operations shall be disposed of or used in a manner in accordance with local requirements and acceptable to Director, OCEMA; this handling must be approved by the County prior to issuance of any grading permits.
- 8-5 Contour grading shall be shown on the final grading plans.
- 8-6 Subdrain systems shall be placed beneath fills planned in the major drainage courses, with actual drainage placement and length determined in the field by the Project Geologist.
- 8-7 Where cut and fill slopes are created, detailed landscape and irrigation plans shall be submitted to Caltrans and the County of Orange prior to grading permit approval. City of Irvine review and comment shall be sought for all such improvements within the City limits. The plans will be reviewed for type and density of groundcover, seed mix, hydromulch mix, plant sizes and irrigation systems to assure that erosion is minimized and slopes appear as natural as possible (see also Section 4.1, Biological Resources, and Section 4.4, Aesthetics Resources).
- 8-8 A qualified geologist shall be retained to monitor any temporary cut slopes to ensure that adverse slope conditions do not impact Laguna Canyon Road. Any permanent cut slopes will be constructed such that adverse slope conditions will not affect Laguna Canyon Road and shall be certified on final grading plans. The specific responsibilities of the Project Geologist will be addressed in a final Geotechnical Report, to be prepared and approved by the County prior to approval of the final design plans.
- 8-9 Slopes shall be graded to meet the following criteria:
 - (i) The toes and tops of graded slopes in excess of ten feet in vertical height should be rounded in proportion to the height of the slope where permitted by drainage and geotechnical stability.
 - (ii) The angle of graded slopes shall be gradually adjusted to match the angle of adjoining terrain.
 - (iii) Graded slopes shall reflect the form of existing contours. Horizontal contours shall be curved in a continuous, undulating fashion.

Project impacts on landform alterations are mitigated to the extent feasible, but are still considered significant after mitigation since the project will

contribute to cumulative impacts to natural landform features in the canyon area. (Please refer to Exhibit C, Statement of Overriding Considerations).

E. Air Quality

Potential Impacts

The Preferred Alternative's potential air quality impacts that can be mitigated or are otherwise not significant are discussed in Section 4.9 of the EIR. Short-term impacts of the project would result in local violations of the CO or NO2 standards during construction; however, these impacts can be mitigated to below the level of significance. Long-term impacts of the project would result in an increased benefit in the local air quality (refer to Table 4.9.A in the EIR).

Implementation of the Preferred Alternative would result in a project that is consistent with the AQMP.

Findings

Finding 1: Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Findings

- 9-1 During construction, the contractor shall be responsible for ensuring that trucks used for hauling excess material are covered to minimize loss of material; flagmen assist trucks moving into traffic; and peak hour truck travel shall be minimized.
- 9-2 Prior to issuance of the grading permit, the dust control plan shall be included as part of the construction contract specifications. The dust control plan shall specify steps that would be taken to comply with SCAQMD Rule 403, which restricts fugitive dust emissions. Measures outlined in the plan shall include but not be limited to: daily watering of graded areas, washing of equipment tires before leaving the construction site, and use of SCAQMD approved chemical stabilizers or soil binders.
- 9-3 During construction, the contractor shall discontinue construction activities during first and second stage smog alerts, or when wind gusts exceed 40 kilometers (25 miles) per hour.
- 9-4 All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor will

ensure that all construction equipment is being properly serviced and maintained.

- 9-5 Prior to construction, the contractor will provide evidence that low emission mobile construction equipment will be utilized or that their use was investigated and found to be infeasible for the project.

F. Cultural Resources

Potential Impacts

The project's potential cultural resources impacts that can be mitigated or are otherwise not significant are discussed in Section 4.11 of the EIR. Previously unrecorded archaeological deposits may be encountered during project grading. The Preferred Alternative could directly and/or indirectly affect the cultural resources of the study area.

Findings

- Finding 1. Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- Finding 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings

The Laguna Canyon Road widening project passes through three jurisdictional areas: the County of Orange, the City of Irvine and the City of Laguna Beach. All areas have separate requirements for mitigation during construction. The County of Orange will be the Lead Agency, responsible for ensuring that mitigation requirements are implemented. The County will coordinate with the cities of Irvine and Laguna Beach, and appropriate staff members will be consulted prior to and during implementation of the mitigation program. The following summarizes each jurisdiction's requirements for mitigation.

Standard County Measures

- 11-1 For project grading that occurs in the unincorporated County of Orange project area, the County will meet its Standard Conditions of

Approval (SCA) established by the Environmental Management Agency (1993 edition). Sections A1 (Archaeological Survey) and A2 (Archaeological Testing) of the SCA have been met for cultural resources within the project area. Recorded cultural resources within the County of Orange jurisdiction are CA-ORA-305, -306, -307, -308, -309, -310, -311, -312, -313, -314, -948H, and -1055.

- 11-2 Section A3 (Archaeo Salvage) of the SCA will be implemented for Alternatives B and C.

Archaeology Grading Observation

- 11-3 For project grading that occurs in the unincorporated County of Orange project area, the County will meet its SCA as follows:

- Section A4 (Archaeology Grading Observation) requires that a County certified archaeologist shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, Harbors, Beaches and Parks (HB&P)/Program Planning. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage.

Paleontological Monitoring

- 11-4 For project grading that occurs in the unincorporated County of Orange, the County will meet its SCA as follows:

- Section A7 of the SCA discusses requirements for paleontological resource surveillance. Prior to project grading, the County will ensure that a County certified paleontologist is retained to observe grading activities, and salvage and catalog fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If major paleontological resources that require long-term halting or redirecting of grading are discovered, the paleontologist shall report such findings to the Manager, HB&P/Program Planning.

Measures Incorporated Into Project Design. Careful consideration has been given to the avoidance of archaeological sites. The Alternative A alignment was developed, in part, to ensure avoidance of significant cultural resources.

Additional Measures

- 11-5 As a portion of the design for the Laguna Canyon Road project, the cut slope south of Lake No. 2 (west of station 270) will be constructed as a one-to-one stabilized slope. This design change will require soil stabilization measures, buttress fill and a retaining wall. These measures will preclude the need for extensive archeological mitigation.

City of Irvine

- 11-6 There are three recorded archaeological sites within the City of Irvine jurisdiction. They are CA-ORA-495, ORA-762A and ORA-762B. The following mitigation measures apply to grading within the City of Irvine:
- In conjunction with the submittal of applications for preliminary or precise grading permits, the applicant shall provide written evidence to the Director of Community Development that an archaeologist and paleontologist, listed on the Orange County list of qualified archaeologists and paleontologists, have been retained and will be available during all grading and other significant ground disturbing activities. The archaeologist and paleontologist shall meet with Community Development staff to review procedures to be used during such activities.
 - The archaeologist, paleontologist, and Development Services representative shall attend the pre-grade meeting to ensure that the conditions of approval on the project are thoroughly explained. At the pre-grade meeting, the archaeologist and paleontologist shall recommend, and the City shall review and approve, procedures for cultural/scientific resource surveillance. If cultural/scientific resources are discovered, the archaeologist and paleontologist shall report such findings to the developer and the Director of Community Development. No further grading shall occur until the Director of Community Development is satisfied that adequate provisions are in place to protect the cultural/scientific resources.
 - If the cultural/scientific resources are found to be significant, the archaeologist and paleontologist shall recommend the appropriate procedures to ensure that the resources will not

be destroyed before exploration and/or salvage. The procedures shall be reviewed and approved by the Director of Community Development prior to implementation. At the conclusion of grading activities, the archaeologist and paleontologist shall prepare and submit a report to the Director of Community Development, per City guidelines.

City of Laguna Beach

11-7 There are two recorded sites within the jurisdiction of the City of Laguna Beach: the Howe Homestead, and CA-ORA-315. All three alternatives will avoid impacting these sites; however, a County certified archaeologist shall be retained to monitor project construction, to ensure that cultural resources are avoided. The Howe Homestead site will be permanently recorded with the UCLA Archaeological Information Center. The following requirements apply to projects within the City:

- A qualified monitor shall be present during grading operations within the City of Laguna Beach to ensure that no cultural/paleontological resources are adversely affected. Should such resources be uncovered during grading, arrangements will be made for removal or preservation. The County of Orange paleontological monitoring requirements (SCA A7) will be applied for the road widening project within the City of Laguna Beach.

G. Public Utilities

Potential Impacts

The Preferred Alternative's potential public utilities impacts that can be mitigated or are otherwise not significant are discussed in Section 4.12 of the EIR. There are no anticipated impacts to the gas, wastewater, solid waste and telephone facilities as a result of the proposed project. No temporary disruptions of service are anticipated. Partial relocation (and potential undergrounding) of the existing 66kv power lines along the roadway is expected with project implementation.

Findings

Finding 1: Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Findings

- 12-1 Prior to approval of final design, by the Manager, OCEMA-Public Works, Design Division (or designee) or the appropriate approval authority for each city, the implementing agency shall prepare plans assuring relocation of affected water and electrical utilities consistent with legal obligations to relocate such utilities. The plans shall be submitted for approval to the respective service agencies impacted by the project construction.

H. Hazardous Wastes

Potential Impacts

The Preferred Alternative's potential hazardous waste impacts that can be mitigated or are otherwise not significant are discussed in Section 4.13 of the EIR. Within the project area, there are agricultural land uses that may contain hazardous wastes/materials; however, these will not significantly impact the proposed roadway improvements project. Several identified hazardous waste containers within the proposed rights-of-way should be reevaluated prior to approval of project construction plans. There are no known active or abandoned landfills within the proposed right-of-way. No underground storage tanks were identified within the proposed rights-of-way.

Findings

1. Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings

If any of the potential hazardous waste sites are within the right-of-way of the Preferred Alternative, the following measures shall be implemented:

- 13-1 The Lead Agency will identify, investigate, and determine the need for remedial action for potential hazardous waste sites prior to the final project design.

All investigations and remedial actions will be coordinated with the proper regulating agencies (i.e., County of Orange Health Care Agen-

cy, Regional Water Quality Control Board and County of Orange Fire Department).

Hazardous waste and/or hazardous materials shall be handled and disposed of in the manner specified by the State of California Hazardous Substances Control Law (Health and Safety Code Division 20, Chapter 6.5), standards established by the California Department of Health Services, Office of Statewide Health Planning and Development, and according to the requirements of the California Administrative Code, Title 30, Chapter 22. In addition, all federal hazardous materials management regulations administered by the Environmental Protection Agency (EPA) shall be followed through the course of the project.

I. Construction Impacts

Potential Impacts

The Preferred Alternative's potential construction impacts that can be mitigated or are otherwise not significant are discussed in Section 4.14 of the EIR. Construction activities would cause a short-term increase in sediment erosion and an increase in sediment build up in streams. The project would impact motorists through temporary reduction in the capacity of Laguna Canyon Road due to construction activities and detours. Grading activities would cause a significant reduction in the enjoyment of the Canyon by human observers.

Findings

1. Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings

- 14-1 A construction erosion control plan and other appropriate measures shall be prepared as part of the Plans, Specifications and Estimates (PSE) to reduce potential impacts from grading activities to a level of non-significance.

- 14-2 The project contractor shall use effective fugitive dust control measures required by SCAQMD Rule 403, which prohibits a visible dust plume at the fenceline of any given project, (during Santa Ana wind condition) and requires regular watering of construction roads.
- 14-3 After clearing, grading, earth moving or excavation:
- Seeding and watering shall performed until vegetation cover is grown;
 - Soil binders shall be spread; and
 - Areas shall wet down sufficiently to form a crust on the surface, with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind.
- 14-4 The project contractor will be required to utilize well maintained construction equipment to minimize the volume of equipment exhaust emissions.
- 14-5 Temporary mulching, seeding, landscaping, permanent erosion control or other suitable stabilization measures shall be used to protect exposed areas during and after construction or other land disturbance, and shall be noted on project plans.
- 14-6 All project related grading shall be performed in accordance with standards and criteria specified in the Caltrans' *Highway Design Manual* and the City of Irvine and City of Laguna Beach Grading Ordinance and standard practices, along with construction Best Management Practices (BMP), to reduce water quality impacts.
- 14-7 Prior to approval of final design, an erosion and siltation control plan shall be prepared and submitted for review by the Santa Ana Regional Water Quality Control Board.
- 14-8 Approved erosion and sediment control devices shall be installed at all grading and filling sites during construction.
- 14-9 Earthen or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for surface runoff onto constructed slopes.
- 14-10 Temporary fills placed against watercourses shall have suitable protection against erosion during storm flows, such as riprap, protective walls and culverts.
- 14-11 Excavated materials shall not be temporarily deposited or stored in or alongside watercourses where the materials can be washed away by high water or storm runoff.

- 14-12 Stockpiled excavated materials shall be protected so as not to become a source of sediment.
- 14-13 Construction activities shall be carefully planned to minimize disturbance of existing traffic patterns or detouring of large numbers of vehicles, as well as to minimize disruption to bicycle routes.
- 14-14 A Traffic Management Plan (TMP) will be developed to minimize construction impacts to motorists and shall include the following components:
 - 1. At least one lane of travel in each direction, except for possible overnight closures.
 - 2. Public awareness campaign.
 - 3. Identification of alternative routes during construction.
- 14-15 Construction activities shall be carefully planned to minimize disturbance and disruption to the Laguna Lakes and the biology resources associated with the Lakes.
- 14-16 During peak commute hours and beach access hours during construction, the existing number of through lanes on Laguna Canyon Road at El Toro Road will not be reduced from current levels. In addition, the southbound left turn lane will be maintained at least at its present length, unless construction of SJHTC improvements has provided an alternative route from Laguna Canyon Road and El Toro Road.

The EIR concludes that, even after application of these mitigation measures, significant adverse impact will result from construction. Please refer to the Statement of Overriding Considerations.

IV. SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

Significant Effects

In accordance with CEQA Guidelines, Section 15126(b), EIRs must include a discussion of significant impacts of the proposed project that cannot be mitigated to below the level of significance. Based on the assessments contained in this EIR, the following significant unavoidable adverse impacts will occur:

- The increase in area devoted to roadways,
- Modifications of the landform due to roadway cut slopes,
- Inconvenience to motorists and aesthetic impacts during construction.

In addition, impacts that are not considered significant at the project level, but that contribute to cumulatively significant impacts that cannot be mitigated, include:

- Reduction in the amount of non-native grassland habitat and wildlife populations in the region,
- Change to the natural landform features of the canyon area,
- Change in the aesthetic character of upper Laguna Canyon.

Exhibit B includes the Statement of Overriding Considerations for the above significant project impacts.

EXHIBIT C

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE LAGUNA CANYON ROAD IMPROVEMENT PROJECT

I. INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15093 (a), (b) and (c), provide the following:

- a) CEQA requires that the decision maker balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3).
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (Section 15093 of the Guidelines).

The Board of Supervisors, having reviewed and considered the information contained in Final EIR No. 556 (SCH #93091093) and the public record, adopts the following Statement of Overriding Considerations, which has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

II. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Although most potential project impacts have been substantially avoided or mitigated, as described in the findings, there remain several project impacts for which complete mitigation is not feasible. These are:

- The increase in area devoted to roadways,
- Modifications of the landform due to roadway cut slopes,
- Inconvenience to motorists and aesthetic impacts during construction.

In addition, impacts that are not considered significant at the project level, but that contribute to cumulatively significant impacts that cannot be mitigated, include:

- Reduction in the amount of non-native grassland habitat and wildlife populations in the region,
- Change to the natural landform features of the canyon area,
- Change in the aesthetic character of upper Laguna Canyon.

Details of these significant unavoidable adverse impacts are discussed in Sections 4.4, 4.14, 5.0 and 10.0 in the Draft EIR.

III. OVERRIDING CONSIDERATIONS

A. Public Safety

The current rate of injury and fatal accidents occurring on Laguna Canyon Road is approximately twice that of similar roadways Statewide. Analysis of accident data has determined that many of these accidents occur when errant motorists cross into the left lane and impact an oncoming vehicle, and when motorists hit fixed objects, such as utility poles, signs and trees near the roadway. Analysis also shows that accidents happen predominately where existing passing lanes terminate and on curves that do not presently meet Caltrans standards.

The proposed design improvements are anticipated to reduce the number of traffic fatalities and injury accidents to the same level or less than comparable State highways by upgrading the roadway to be consistent with Caltrans current standards for median width, shoulders, and curve design, as well as reducing the number of fixed objects adjacent to the roadway and increasing the separation between remaining fixed objects and the flow of traffic.

The safety of bicycle travel along the roadway will also be improved through the provision of full standard bicycle lanes. The existing shoulders of Laguna Canyon Road (as little as two feet in width) do not provide adequate width for bicycle travel. The expanded right shoulder of the proposed project will serve as a Class II bicycle lane, meeting the design standards of Caltrans, the City of Irvine and the County of Orange.

B. Natural Resource Enhancement

At present, Laguna Canyon Road lies between the three Laguna Lakes, and roughly follows the natural alignment of Laguna Canyon Creek. These water features represent a significant wetland resource, and are currently in the midst of a large area planned to become natural public park lands. Removing the roadway from the immediate proximity of the lakes and creek would result in an increase of the available habitat area, and would improve the habitat values of the drainages and associated riparian and wetland habitats.

A comprehensive Resource Enhancement and Management Plan (REMP) is required to be prepared prior to the start of any project grading. This plan will detail the design and engineering requirements necessary to remove existing roadway pavement, reestablish a direct connection between Lake No. 2 and Lake No. 3, and place a creekbed in areas where the existing roadway has displaced Laguna Canyon Creek.

The proposed project is anticipated to result in the following natural resource enhancements: restore the historic connection between Laguna Lake No. 2 and No. 3; restoration of Laguna Canyon Creek; revegetation of current roadway areas with native plant species; and provision of three primary wildlife undercrossings that will provide safe opportunities for wildlife movement.

C. Traffic Congestion Reduction

Laguna Canyon Road provides a key transportation linkage from the City of Laguna Beach to the City of Irvine and inland Orange County. The roadway connects Coast Highway (Route 1) to I-405 and I-5, and provides one of only three access points to the City of Laguna Beach. The number of vehicles that currently utilize Laguna Canyon Road meets or exceeds both the roadway and intersection capacities on an average daily and peak hour basis. Present traffic volumes exceed the County's Growth Management Plan standards of LOS D, and traffic is forecast to increase through year 2010.

The project segment of Laguna Canyon Road presently operates at level of service (LOS) F northbound in the morning peak hour and LOS D southbound in the evening peak hour. The intersection of Laguna Canyon Road and El Toro Road currently operates at LOS F during both the morning and evening peak hour periods, causing delays to motorists of 15 minutes or more.

Construction of the proposed project, which will provide a four lane, divided roadway with Class II bike lanes in each direction, will result in improved levels of service. It is expected that the project segment of Laguna Canyon Road will operate at LOS C and D northbound in the morning peak hour, and LOS B and C southbound in the evening peak hour. The intersection of Laguna Canyon Road and El Toro Road is expected to improve to LOS D in the morning peak hour and LOS B in the evening peak hour periods. These improvements will allow County Growth Management standards to be met, and will result in reduced congestion for both existing and forecast conditions.

D. Reduction of Roadway Flooding

The existing roadway is subject to frequent flooding when Lake No. 2 and Lake No. 3 overtop the roadway. During such conditions, the roadway must be closed for extended periods.

The horizontal and vertical realignment of the roadway will reduce the frequency and severity of flooding on the roadway. In addition, the two proposed roadside retarding basins, along with the increase of wetland areas and the reconnection of Lake No. 2 and Lake No. 3, will help to collect storm flow runoff which might otherwise have the potential to cause roadway flooding.

E. Air Quality Improvement

Although an overall increase in the number of vehicles using Laguna Canyon Road is projected over the next 20 years due to increased local and regional growth, daily air pollutant emissions associated with the Preferred Alternative would be lower than the No Project emissions, due to improved average speed and reduced delay at intersections. Vehicles using the widened and re-aligned roadway (future with project) in the year 2010 will emit fewer reactive organic gases (ROG), NO_x and CO than those using the unimproved roadway because of the expected improvement of traffic flow.

CALIFORNIA TRANSPORTATION COMMISSION

**Resolution For Adoption of Findings For Future Consideration of Funding and
Route Adoption
12-Ora-133 KP 6.7/13.0 (PM 4.1/8.1)
Resolution E-01-14**

- 1.1 WHEREAS**, an Environmental Impact Report has been prepared for a project to widen and realign Route 133 (Laguna Canyon Road) in the cities of Irvine and Laguna Beach, Orange County, and
- 1.2 WHEREAS**, the County of Orange has certified that the Environmental Impact Report has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for its implementation; and
- 1.3 WHEREAS**, the California Transportation Commission has reviewed and considered the information contained in the Environmental Impact Report; and
- 1.4 WHEREAS**, written proposed Findings indicate that changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant effects identified in the Environmental Impact Report and associated with biological resources, aesthetic resources, water resources, geology and soils, air quality, cultural resources, public utilities, hazardous wastes, construction impacts, and
- 1.5 WHEREAS**, such findings also indicate that specific economic, legal, social, technological, or other considerations make it infeasible to avoid or fully mitigate to a level less than significant the effects associated with increase in area devoted to roadways, modifications of the landform, inconvenience and aesthetic impacts to motorists during construction, reduction of non-native grassland habitat and wildlife populations, and change in the aesthetic character of upper Laguna Canyon, and
- 1.6 WHEREAS**, the above significant effects are acceptable when balanced against the fact as set forth in the Statement of Overriding Considerations.
- 2.1 NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt those Findings, Statement Overriding Considerations, and the Mitigation Monitoring Program contained in the Environmental Impact Report to allow future consideration of funding and the adoption of a new route for the highway.